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PLAINTIFFS

DEFENDANTS

CHESTER A. POTTS, JR.,
d/b/a/ C. A. POTTS COMPANY

JOS. SCHLITZ BREWING CO.,
A CORPORATION

15 USCA 15 and 22, 15 USCA 1 and 2, ^{CAUSE} 15 USCA 13 and 14, 28 USC 1331, 1332
1337. Plaintiff retailers seeks actual and punitive damages for wrong-
ful termination of beer franchise by wholesaler and damages for price
fixing, and price discrimination.

ATTORNEYS

ROBERT J. WOOLSEY
FARMER, WOOLSEY, FLIPPO & BAILEY
602 NATIONAL BANK OF TULSA BUILDING
TULSA, OKLAHOMA 74103 585-1181

Cochrane & Bresnahan
Mr. John E. Thomas
Suite 500, Cochrane & Bresnahan
Bldg.
360 Wabasha Street
St. Paul, Minn. 55102

James H. Ferris

JOHN M. IMEL
Martin, Logan, Moyers
920 National Bk. of Tulsa Bldg.
Tulsa, Okla. 74103 582-3281

Francis H. Parson
~~P. O. Box 615~~
Milwaukee, Wisconsin 53201

Paul H. LaRue, James Michael Newton
David J. Gibbons
8500 Sears Tower
233 S. Wacker
Chi., Ill. 60606

Paul W. Fish
Jos. Schlitz Brewing Co.
P. O. Box 614
Milwaukee, Wisc. 53201

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	7-1-75
				JS-6	10-1-78

DATE	NR.	PROCEEDINGS
6-18-75	1.	Complaint filed, Summons issued. mm
7-2-75		Summons, ret. & filed: served Jos. Schlitz Brewing Co. by serving The Corporation Co., Service Agt., O.C. on 6-23-75; served Joe Dean, General Counsel, by mail, 6-24-75. (USM \$8.24)g of Deft.
7-2-75	2.	Notice/to Take Deposition, filed.jj
7-3-75	3.	Notice of pltf. to take deposition, filed. lm
7-3-75	4.	Request for Production of Documents, filed. lm
7-11-75	5.	Appl. of pltf. to Extend time to plead or Ans. 15 days from 7-14-75 (7-29-75), filed and Order extending time to plead or ans. until 7-29-75 (JCS-Clk)jj
7-22-75	6.	Deft.'s Mot. for Production of Documents for Inspection and Copying, filed. v
7-29-75	7.	Order for Non-Destruction of Documents, filed.(HDE-J) b
7-29-75	8.	Ans. of Deft. Jos. Schlitz Brewing Co., filed. v
8-9-75	9.	Defendant's Response to Plaintiff's Request for Production of Documents, filed. mm
8-25-75	10.	Notice to take depositions of Joe Harris, filed. v
9-22-75		Deposition of <u>Chester A. Potts, Jr.</u> , on behalf of the defendant, taken before Frank L. Peterson, CSR on 7-17-75 W/fees of \$271.50 pd by deft., filed. mm
10-16-75	MO:	Case set for PT hearing 1-8-76 at 11:30 a.m. (HDC-J)hm
10-31	11.	Plaintiff's Notice to Take Depositions of Mr. Kenneth G. Adams on 11-14-75 at 10:00 a.m. at Tulsa, OK, filed.k
11-13-75		Deposition of <u>William T. Timpone</u> , on behalf of the Plaintiff, filed.to
12-18	--	Deposition of Charles Joseph Carlson taken before Frank Peterson on 10-16-75 w/fees of \$58.50, filed. v
12-18	--	Deposition of Joe Donald Harris taken before Frank Peterson on 10-15-75 w/fees of \$222.00, filed. v
<u>1976</u>		
1-6	12	Application for and Order striking case from PT docket of 1-8-76, filed. (HDC-J)g cpies mld.
1-9		Deposition of Kenneth Glenn Adams, filed. ph (\$117.00 pd by Pltf)
1-27	13.	Pltf's notice to take depositions of R. A. Martin, T. F. Roupas and J. Dykes at Tulsa, OK, filed. ph
1-27	14.	Pltf's second request for production of documents, filed. ph
1-28	MO:	Case set for PT hearing 4-13-76 at 1:30 p.m. (HDC-J)hm
2-4		Deposition of Jerome H. Boknevitz on behalf of Pltf, taken before Frank L. Peterson on Oct. 16, 1975. Depo costs \$166.50 pd by Pltf.t
2-20	15	Deft.'s response to pltf's seocnd request for production of documents, filed.k
2-25	16	Pltf's notice to take depositions of George Lipotish, Jim Rutter, and Jack Sudik on 3-29-76 at 11:00 a.m., at Tulsa, OK, filed.k

PLAINTIFF CHESTER A. POTTS, JR.	DEFENDANT JOS. SCHLITZ BREWING CO.	DOCKET NO. 75-C-238-C
		PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
<u>1976</u>		
4-8	17	Application and Order striking case from PT on 4-13-76, filed.(HDC-J)
4-21	18.	Interrogs. by the pltf., filed. ph
4-30	19.	Deft's resp. to pltf's interrogs., filed. ph
4-30	20.	Deft's memo. in support of objections to interrogs., filed. ph
5-13	MO:	Case set for PT on 8-5-76 at 10:00 a.m. (HDC-J)ph notices mailed.
6-9	--	Deposition of Joseph W. Sudik on behalf of pltf. on 5-11-76, filed. (F.L. Peterson-CSR)ph (\$121.50 fees pd by pltf.)
6-9	--	Deposition of George Lipotich on behalf of pltf. on 5-11-76, filed. (F.L. Peterson-CSR)ph (\$114.00 fees pd by pltf.)
7-9	--	Deposition of Chester A. Potts, Jr. taken on 5-12-76 on behalf of the deft., filed. ph (\$205.50 pd by deft.)
7-12	21.	Appl. of deft. to strike case from PT docket set for 8-5-76, w/ order granting same, case to be reset at a later date.(HDC-J)ph cps mld
7-13	22.	Pltf's second request for inspection of documents, filed. ph'
7-15	23.	Pltf's motion for leave to file an amended complaint, filed. ph
7-20	24.	It is ordered by the Ct. that the deft. file a resp. brief within 10 days to the Pltf's mo/leave to file an amended complaint.(HDC-J)ph cps mld
7-23	25.	Deft.'s response to pltf.'s second request for inspection of documents, fld. v
7-23	26.	Memo. in support of objection of mot. for production, fld. v
7-26	27.	Order, filed, granting pltf leave to file amend compl. (HDC-J)k cps mld
7-26	28.	Amended complaint, w/ <u>JURY TRIAL DEMAND</u> , filed.k
7-30	29.	Reply to deft's response to pltf's second request for inspection of documents, filed. hm
8-9	30.	Deft's interrogatories to pltf., filed.s
8-9	31.	Deft's answer to amended complaint, filed.s
8-9	32.	Deft's request for production of documents by pltf, filed.s
8-12	33.	Pltf's motion for an order to compel discovery,filed. ph
8-12	34.	Brief in support of Pltf's motion to compel discovery, filed. ph
8-12	MO:	It is ordered by the Court that the deft. file a resp. brief within 10 days to the Pltf's motion for an order to compel discovery.(HDC-J)ph ltr. mld.
8-19	35.	Deft's appl. for 10 days from and after 8-23-76 to resp. to pltf's motion for an order to compel discovery w/order granting deft. until 9-2-76 to resp. to same. (HDC-J)ph cps mld by deft. atty.
8-19	36.	Pltf's motion to strike a portion of the ans. of deft. Jos. Schlitz Brewing to amended complaint of pltf., filed. ph
8-19	37.	Pltf's brief in support of mo/strike a portion of ans. of deft. Schlitz to amended complaint of pltf., filed. ph
8-19	MO:	It is ordered by the Ct. that the deft. file a resp. brief within 10 days to the Plaintiff's motion to strike a portion of the ans. of the deft., Jos. Schlitz Brewing Co., to amended complaint of pltf. (HDC-J)ph cps mld
8-25	38	Appl. & Order, filed, granting deft. til 9-7-76 to respond to pltf's motion for order to compel discovery & to strike. (HDC-J)k cps mld

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
Chester A. Potts, Jr.		Jos. Schlitz Brewing Co.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1976			
8-30		Dep. of Robert A. Martin on behalf of Pltf., filed. g	
8-30		Dep. of Thomas F. Roupas on behalf of Pltf., filed. g	
8-30		Dep. of James D. Dykes on behalf of Pltf., filed. g	
8-31	39.	Ans. to interrogs. to pltf., filed. ph	
9-3	40.	Ans. to def't's request for production of documents by pltf., filed. ph	
9-7	41.	Brief of def. in response to pltf. mo/strike, filed. rm	
9-7	42.	Def. response to pltf. mo/order to compel discovery, filed. rm	
9-15	43.	Pltf's reply brief replying to def't's resp. to pltf's motion to strike a portion of the ans. of def't., Jos. Schlitz, to amended complaint of pltf., filed. ph (pleading #44 - attached to 43)	
10-27	44.	Pltf's reply brief replying to def't's resp. to pltf's motion to compel discovery, filed. ph [This front sheet is to be substituted for front sheet of pleading #43, filed 9-15-76]	
11-18	45.	Suppl. answers to def. interrog. to pltf., filed. rm	
12-30-76	MO:	Case set for hearing on pltf's mo/order to compel discovery and pltf's mo/strike a portion of the ans. of def't. to amended complaint on 2-18-77 at 9:00 a.m. (HDC-J)hm (notices mailed)	
1977			
1-13	46.	Pltf's motion for leave to amend complaint, filed. ph	
1-13	47.	Pltf's brief in support of motion for leave to amend complaint, filed. ph	
1-13	MO:	It is ordered by the Court that the def't. file a resp. brief within 10 days to the pltf's motion for leave to amend complaint. (HDC-J)ph ltr mld	
1-19	48.	Motion of pltf. for production of documents, filed. rm	
1-19	49.	Brief of pltf. in support of mo/production of documents, filed. rm	
1-24	50.	Def't's resp. to pltf's motion for leave to amend complaint, filed. ph (in letter form.)	
2-4	51.	Pltf's motion for leave to file an amendment to the complaint as Amended Heretofore, filed. ph	
2-4	52.	Brief in support of pltf's motion for leave to amend the amended complaint, filed. ph	
2-7	MO:	It is ordered by the Court that the def't. file a resp. brief within 10 days to the pltf's Motion for Leave to file an amendment to the Complaint as Amended Heretofore. (HDC-J)ph cps mld	
2-8	53.	Appl. of def. for ext. of time to respond to pltf. mo/amend complaint, filed. rm (O to J as part of appl.)	
2-14	---	Order (as part of appl) granting def. to 2/28/77 to file responsive brief to pltf. amendment to complaint. (HDC-J)rm-copies mailed	
2-18	54.	Def't's resp. to pltf's Jan. 1977 Motion for Prod. of documents, filed. ph	
2-18	MO:	Case called for hearing on pltf's mo/order to compel discovery; and pltf's mo/strike a portion of ans. of def't. to amended complaint. Paul H. LaRue and David J. Gibbons admitted for purposes of this case only. Oath administered. Statements made. Pltf's mo/leave to amend	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-238-C</u>
Chester A. Potts, Jr.		Jos. Schlitz Brewing Co.	PAGE <u>5</u> OF <u>3</u> PAGES
DATE	NR.	PROCEEDINGS	
		complaint granted, there being no objection from deft. Pltf's mo/leave to file an amendment to the complaint as amended heretofore to be ruled on after response filed or at a future hearing. Pltf's motion for order to compel discovery overruled as it pertains to deft's production of work product and wholesaler analysis & efficiency reports; also overruled as it pertains to answers to interrog. #1, 2,3,4 & 6; interrog. # 5,7,8&9 withdrawn. Pltf. allowed to submit new interrog. in place of #2,3&4, but to restrict them to Okla. Pltf's mo/strike a portion of ans. of deft. to amended complaint overruled; pltf. given 10 days to file brief on Wisconsin law; defts. 10 days thereafter to respond. After statements made by counsel pertaining to discovery, Court permits pltf. to amend complaint re termination, if desired. Counsel for deft. to prepare formal order after receipt of transcript. (HDC-J)hm	
2-18	55.	Amendment to amended complaint, filed. hm	
2-28	56	Pltf appl. and order for ext of time until 3-10-77 to file its letter and memorandum . fld ho O to J.	
3-1	57	Order fld. granting pltf. until 3-10-77 to file its letter and memorandum. (HDC-J) cps mld. ho	
3-1	58.	Deft's brief in oppos. to pltf's mo/file an amendment to the complaint, filed. hm	
3-3	59-	Reporter's transcript of proceedings had on 2/18/77, filed. rm (T. Bloxom-CR)	
3-8	59.	Pltf's brief, (in letter form), filed. ph	
3-14	60.	Deft's appl. for ext. of time to file memo. in resp. to memo. letter of pltf., filed. ph (O to J)	
3-15	61	Order fld. granting deft. until 3-28-77 to file memorandum and order. (HDC-J) cps mld. ho	
3-18	62.	Pltf's reply brief to deft's brief in oppos. to pltf's mo/file an amendment to the complaint, filed. ph	
3-28	63.	Order, filed, overruling in part/sust. in part pltf's mo/order to compel discovery and denying pltf's mo/strike a portion of deft's answer; pltf. given leave to file addit. authorities re Wisc. law & deft. given 10 days from this date to reply to said addit. auth. (HDC-J)hm (copies mailed)	
4-7	64.	Deft's resp. to pltf's suggestions concerning the contract provision allowing termination without cause, filed. ph	
4-25	65	Reply memo to deft's response on termination, filed. lm	
5-5	66.	Deft's ans. to interrogs., filed. ph	
5-18	--	Letter to Judge Cook from Robert Woolsey in re newspaper clipping from Beer Wholesalers News, field. ph	
6-15	67.	Order, filed, overruling mo/leave to file amendment to amended complaint. (HDC-J)hm (copies mailed)	
6-17	68	Pltf's request for inspection of documents, filed. lm	
7-6	69.	Notice of depositions of Robert Winstone, Ernest Stehle, Martha Bales Evans, Elsy Pointer, F. P. (Dude) Mueller and Chester Cadieux, to be taken on July 19-21, filed. ph Subpoenas issued.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 75-C-238-C
Chester A. Potts, Jr.		Jos. Schlitz Brewing Co.	PAGE 6 OF 3 PAGES
DATE	NR.	PROCEEDINGS	
7-8	--	Subpoena, ret & filed: Unable to serve Ernest Stehle; Served Chester Cadieux on 7-7-77 at Tulsa, OK; Served Robert Winstone on 7-6-77 at Tulsa, OK; Served Elsy Pointer on 7-7-77 at Tulsa, OK; Served F. P. (Dude) Mueller on 7-7-77 at Tulsa, OK; Served Martha Bales Evans at Glenpool, OK, on 7-6-77. (USM \$19.48)ph	
7-13	MO:	Case set for PT hearing 10-4-77 at 9:00 a.m.; case set for J/T 11-14-77 at 9:30 a.m.; trial briefs, req. instr. & req. voir dire due on or before 11-4-77. (HDC-J)hm (notices mailed)	
7-15	--	Deposition of George L. Sartain taken on 2-17-77, filed. (D.R. Lindquist-CSR)ph \$168.00 pd by deflt.	
7-15	--	Deposition continuation of Chester A. Potts, Jr. taken on 12-13,14 & 15-76, filed. (D.R.Lindquist-CSR)ph \$1,024.50 pd by deflt.	
7-15	--	Continuation of the depos. of Chester A. Potts, Jr. taken on 1-24,25-77 filed. (D.R.Lindquist-CSR)ph \$715.50 pd by deflt.	
7-18	70.	Deflt's resp. to pltf's req. for inspection of documents, filed. ph	
9-15	71.	Pltf's motion for leave to file a second amended complaint, filed. ph	
9-15	72.	Brief in support of mo/leave to file second amended complaint, filed. ph *Second amended complt. is loose in the file)	
9-15	MO:	It is ordered by the Court that the deflt. file a resp. within 10 days to the pltf.'s Motion for leave to file a second amended complaint. (HDC-J)ph ltr mld	
9-21	73	Joint memorandum of conference fld. ho	
9-21	74	Deflt. appl. for ext. of time to file responsive brief. fld. ho 0 to J.	
9-22	75	Order, fld. granting Deflt. an ext. of time until 9-29-77 to file responsive brief to Pltfs. mot. for leave to file second amended compl. (HDC-J) cps to movant. ho	
9-26	--	Deposition of Robert W. Winstone, taken on behalf of the deflt. on 8-18-77, before Donald Lindquist CSR w/ costs of \$357.00, filed.k	
9-26	--	Deposition of Elzie Pointer, taken on behalf of the deflt. on 8-17-77, before Donald R. Lindquist, C.S.R., w/ costs of \$91.50, filed.k	
9-23	MO:	Case stricken from PT docket of 10-4-77 & reset for 10-21-77 at 9:00 a.m.; disc. to be complete by 10-3 and PT memo or order to be filed by 10-11-77. (HDC-J)hm	
9-27		Deposition of F. P. Mueller on behalf of deflt. (\$190.50), filed. g	
9-28	76.	Response to Pltf.'s Mot. to File a 2nd Amended Compl., fld. v	
10-5	77.	Pltf's reply to deflt's response to pltf's mo/file second amended complaint, filed. ph	
10-6	78.	Deflt's appl. for ext of time to complete discovery and to remove case from trial calendar and deflt's suggestions for pretrial resolution of the contract issues, filed. ph (appl. to J)	
10-17	79.	Pltf's notice of depositions of Eugene B. Peters, James E. McCowen, John Sospsick, and Thomas R. Errath on 10-25-77, and Chester Margerur Cy Parsons, and Robert Martin on 10-26-77, all at Milwaukee, Wis., filed.k	
10-21	MO:	Pre-trial hearing held. Pltf. present & represented. Deflt. represented. Statement made. Pltf. allowed to file second amended complaint; deflt. allowed to resp. or obj to second amended complaint within 30 days from today; Discovery to be complete by 12-16-77; Joint Status report to be filed by 11-28-77 & another by 12-23-77. If parties desire addit.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 75-C-238-C
Chester A. Potts, Jr.		Jos. Schlitz Brewing Co.	PAGE 7 OF 4 PAGES
DATE	NR.	PROCEEDINGS	
1977			
10-21	(Cont)	conf. they are to advise the Court. Deft. allowed to file addit. interros.; pltf. allowed 20 days to file ans. to interros. Pltf. a req. for documents within 20 days; Pre-trial order to be filed by 12-31-77, depending on progress of case. Case stricken from J/T settin of 11-14-77 and RESET for J/T 1-16-78. (EST 3-4 weeks) (HDC-J)ph	
10-21	80.	Pltf's second amended complaint, filed. ph	
10-27		Reporter's Transcript of pre-trial proceedings of 10-21-77, filed.lm	
11-2	81.	Suppl. response of pltf. to suppl. req. for prod. of documents by deft., filed. rm	
11-2	82.	Answers of pltf. to deft. suppl. interrog., filed. rm	
11-11	83.	Deft's notice of depos. of Ray Farmer, Bob Tygert, Donald Whitey McIve Denny Cresap and James D. Rutter, beginning on 11-17-77 and running through 11-18-77. ph	
11-16	--	Subpoena, ret & filed: Served James D. Rutter on 11-12-77 at Miami, OK Served Denny Cresap on 11-14-77 at Bartlesville, OK; Served Donald Whitey McIver on 11-14-77 at Tulsa, OK; Served Ray Farmer on 11-14-77 at Tulsa, OK. (USM \$42.80)ph	
11-21	84.	Deft's ans. to second amended complaint, filed. ph	
11-28	85.	Joint Report of pltf. and deft. filed. mm	
12-5	86.	Deft's motion to compel further ans. to interros., filed. ph	
12-6	MO:	Ordered by the Court that the pltf. file a resp. brief within 10 days to the deft's mo/compel further ans. to interros., (HDC-J)ph ltr mld	
12-9	--	depos. sub. ret & filed: Served Francis H. Parsons at Milwaukee, Wisconsin on 11-18-77. ph	
12-13	87	Pltfs. reply to ans. to second amended compl. fld. ho Ok to File JCS.	
12-13	88	Pltf. mot. for S/J on the issue of Liability for termination of the Buyer-Seller relationship between Pltf. & Deft. fld. ho	
12-13	89	Pltf. brief in supp. of mot. for S/J on the issues of liability of the buyer-seller relationship between Pltf. & Deft. fld. ho	
12-13	MO	It is ordered that the Deft. is granted 10 days to file a responsive brief to Pltfs. mot. for S/J on the issue of liability for termination of the buyer-seller relationship between Pltf. & Deft. (HDC-J) c/m ho	
12-13	90.	Pltf's resp. to deft's mo/compel further ans. to interros., filed. ph	
12-14	91.	Suppl. interrog. to deft., filed. rm	
12-16	MO:	Case called for suppl. pretrial hearing. Parties represented. State-ments made.Court states he will not consider pltf's reply filed 12-13. Deft. allowed to take depos. of Tigert, Childs, Hurst & East before 1-6-78. Deft. given until 1-16-78 to file mo/SJ on termination issues on contract question and until 1-16-78 to resp. to pltf's mo/SJ; Deft. given until 1-31-78 to file mo/SJ relating to limination of evidentiary matters as to anti-trust; pltf. given until 2-16-78 to resp to deft. mo/SJ to be filed on 1-16-78; pltf. given until 2-16-78 to resp. to reply to pltf. resp. to pltf's mo/SJ due 1-16-78; pltf. given until 2-28-78 to resp. to deft. 1-31-78 mo/SJ; deft. given until 3-17-78 to reply to pltf. resp. to deft's mo/SJ; Parties to advise if	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 75-C-238-C
CHESTER A. POTTS, JR.		JOS. SCHLITZ BREWING CO.	PAGE 8 OF 4 PAGES
DATE	NR.	PROCEEDINGS	
<u>1977</u>			
12-16	(Cont)	they desire oral arguments on issues of mo/SJ and mo/Compel after all pleadings have been filed. Suppl. pretrial hrg to be set after decision on mo/SJ. Mo/compel held in abeyance & will will be held as abandoned unless deft. advises to the contrary. Case stricken from trial setting of 1-16-78 and reset for 8-21-78. (EST 3 weeks) (HDC-J)ph	
12-19	--	Deposition fo Ray Farmer taken on 11-17-77, filed. (D.R. Lindquist-CSR)ph (\$118.50 pd by deft.)	
12-19	--	Deposition of James D. Rutter taken on 11-18-77, filed. (D.R. Lindquist-CSR)ph (\$102.00 pd by deft.)	
12-30	---	Copies of exhibits referred to in pltf's brief on mot. for partial S/J, filed.k	
<u>1978</u>			
1-3		Reporters transcript of proceedings had on 12-16-77, Supplemental PT conference, before H. Dale Cook. (TGB-CSR) ho	
1-9		Deposition of Martha Bales Evans on behalf of deft., filed. g (\$189.)	
1-16	92.	Deft's motion for S/J, filed. hm	
1-16	93.	Deft's brief in ans. to pltf's motion for S/J on the contract issues & in support of deft's motion for S/J on the contract issues, filed.hm	
1-18	94.	Deft's Answers to suppl. interrogs., filed. g	
1-19		Deposition of Thomas R. Errath on behalf of pltf., filed. g(rec'd unmarked & unsealed.)	
1-19		Deposition of James E. McCowan on behalf of pltf., filed. g (rec'd unmarked & unsealed.)	
1-19		Deposition of Francis H. Parson on behalf of pltf., filed. g (rec'd unmarked & unsealed.)	
1-26	95.	Deft's appl. for ext of time to file briefs., filed. ph (O to J)	
1-26	96.	Order, filed, that deft be permitted until 2-14-78 to file mo/SJ and brief on certain anti-trust issues and exemplary damage claim of the pltf. is granted until 3-14-78 to file ans. brief and deft is granted until 3-31-78 to file its resp. brief. Further that pltf. is granted until 2-28-78 to file ans. brief to deft's mo/SJ and brief filed 1-16-78, and that deft. is granted until 3-31-78 to file its resp. brief. (HDC-J)ph cps mld	
1-31	--	Deposition of Charles Dennis Cresap taken on 11-18-77, filed. (D.R. Lindquist-CSR)ph	
2-14	97.	Deft. mo/entry of order correcting error in para. 10 of ans. to 2nd amended complaint, filed. rm (order in file)	
2-14	98.	Mo/SJ of deft. on certain antitrust claims & on exemplary damage claim, filed. rm	
2-14	99.	Brief in support of mo/SJ, filed. rm	
2-15	MO:	Ordered by the Ct. that pltf. are granted 10 days from this date to respond to deft. mo/correct error and mo/SJ. (HDC-J)rm-letter	

(CONTD. ON NEXT PAGE)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-238-C</u>
CHESTER A. POTTS, JR.		JOS. SCHLITZ BREWING CO.	PAGE <u>9</u> OF <u>5</u> PAGES
DATE	NR.	PROCEEDINGS	
1978 2-16	MO:	Ordered by the Court that the minute order entered 2/15/78 is corrected as follows: Pltfs. are granted 10 days, or until 2/26/78, to respond to defts.' mo/correct error; and until 3/14/78 to respond to defts. mo/SJ filed 2/14/78, as directed in the Court's order of 1/26/78; all other time limits set in Order of 1/26/78 shall stand. (HDC-J)rm letter	
2-21	100.	Pltf's appl. for ext of time to file brief, filed. ph (O to J)	
2-21	101.	Order, filed, that pltf. is allowed until 3-19-78 to file brief to mo/SJ on certain antitrust issues and exemplary damages claims and until 3-15-78 to file brief to deft's mo/SJ on contract issues and that deft. be granted until 4-15-78 to file its response briefs. (HDC-J)ph cps mld	
3-16	102.	Pltf's brief in reply to deft's brief in ans. to pltf's mo/SJ on the contract issues and ans. brief to deft's mo/SJ on the contract issues, filed. ph	
3-17	103.	Additional list of pltf's trial exhibits, filed. ph	
3-17	104.	Brief of pltf. Chester A. Potts in ans. to motion and brief for S/J on certain antitrust claims and on the exemplary damage claim, filed.	
4-10	105.	Deft's appl. for ext of time to file briefs, filed. ph (o to J)	
4-11	106.	Order, filed, that deft. is granted until 5-1-78 to file two response briefs. (HDC-J)ph cps to movant	
4-19		Deposition of Chester Cadieus on behalf of deft., filed.g (\$130.50)	
5-1	107.	Deft's reply brief as to pltf's motion for Summary Judgment on the contract issues and in support of deft's motion for Summary Judgment on the contract issues, filed. ph	
5-1	108.	Deft's reply brief in support of deft's motion for S/J on certain antitrust claims and on the exemplary damage claim, filed. ph	
5-8	MO:	<u>CASE SET FOR HEARING ON ALL PENDING MOTIONS 7-7-78 at 9:30 a.m.</u> (HDC-J)hm (notices mailed)	
5-16	109.	Pltfs' second suppl. interrogs. to deft., filed. ph	
6-19	110.	Deft's objections to pltf's second suppl. interrogs., filed. ph	
6-19	111.	Brief in support of deft's obj. to pltf's second suppl. interrogs., filed. ph	
6-23	112	Pltf's response to deft's obj. to pltf's second suppl. interrog., fld.ra	
7-7	MO:	Hearing held on all pending motions. John E. Thomas admitted for purposes of this case on motion of Robert Woolsey. James M. Newton & Paul Fish admitted for purposes of this case on motion of John Imel. Arguments made on pltf. mo/SJ on issue of liability for termination of buyer-seller relationship between pltf. & deft. & deft.'s mo/SJ. Arguments made on deft.'s mo/SJ on certain antitrust claims. Court makes findings & rules that pltf.'s mo/SJ on issue of liab. is overruled; deft.'s mo/SJ on contract issues is sustained; deft.'s mo/SJ on certain antitrust claims overruled in part/sustained in part; deft. mo/entry of order correcting error sustained; deft. mo/compel further ans. to interrog. to be reviewed by deft. counsel & counsel to advise court in 10 days if he will assert said motion. Pltf. given 10 days to file appl. to amend complaint. PT hrg. to be set prior to trial. Deft. to prepare order on hrg. (HDC-J)rm	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
CHESTER A. POTTS, JR.		JOS. SCHLITZ BREWING CO.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
7-13-78	--	Reporter's partial transcr. of proceedings of 7-7-78 before Judge Cook, fld. (TGB-CR) ra. 40 pages.	
7-17	113	Pltf's mot. to reconsider and/or clarify Order of 7-7-78, fld. ra	
7-17	114	Pltf's brief in support of mot. to reconsider Order, fld. ra	
7-17	MO	Ordered that deft. file a resp. brief w/in 10 days to pltf's mot/ reconsider. (HDC-J) ra. cps mld.	
7-17	115	Pltf's mot. for leave to file amendment to second amended complaint, fld. ra	
7-17	116	Brief in support of pltf's mot./leave to file amendment to second amended complaint, fld. ra	
7-17	MO	Ordered by the Court that deft. file a resp. brief w/in 10 days to pltf's mot/leave file amended compl. (HDC-J) ra, cps mld.	
7-18	MO:	<u>CASE SET FOR PT HRG. 8-16-78 at 9:00 a.m.; DISC. TO BE COMPLETED BY 8-6; PT MEMO OR ORDER TO BE FILED 8-9-78.</u> (HDC-J)hm (ntc. mld)	
7-26	---	Reporter's transcript of proceedings had on 7/7/78, filed. (pp.1-4) (T. Bloxom-CR)rm	
7-27	117	Deft's brief in oppos. to pltf's mot/leave to file amendment to second amended complaint, fld. ra	
7-27	118	Deft's brief in oppos. to pltf's mot/reconsider and/or clarify Court's order of 7-7-78, fld. ra	
8-10	119	Deft. not. of depo. of Jack D. Livingston, Jr. on 8-15-78 in Tulsa, OK. fld. ho	
8-10	120	Deft. not. of depo. of Kenneth G. Elzinga on 8-11-78 in Washington, D.C. fld. ho	
8-16	MO:	Case called for PT hrg. & hrg. on pending motions. Pltf's mo/reconsider &/or clarify Court's order of 7-7-78 overruled; pltf's mo/leave to file amendment to second amended complaint overruled. Parties to submit an agreed-to PTO by end of this day. Pltf. to file trial brief this date & req. voir dire & instr. by 8-17. Court approves order on S/J, striking the word "Final" from order. (HDC-J)hm	
8-16	121.	Order, filed, that S/J is entered in favor of deft. with respect to all claims asserted in paragraphs 11 thru 14 of second amended complaint, etc.; that S/J be entered in favor of deft. with respect to all claims asserted in paragraphs 15a, 15b, 15c, 15e, 15f, 16, 17, 18, 20, 21, 23(n) & 24 of second amended complaint; that S/J be entered in favor of deft. with respect to all claims asserted in paragraphs 10&15a of second amended complaint, etc.; that S/J be entered in favor of deft. with respect to paragraph 15h of second amended compl, etc.; that pltf's S/J motion is denied. (HDC-J)hm (copies mailed)	
8-16	122.	Deft's list of witnesses, filed in open court. hm	
8-16	123.	Deft's proposed list of trial exhibits, filed in open court. hm	
8-16	124.	Deft's proposed designations of dep. testimony, filed in open court. hm	
8-16	125.	Deft's trial brief, filed in open court. hm	
8-16	126.	Deft's mo/limine to preclude evidence, filed in open court. hm	
8-16	127.	Deft's brief in support of mo/limine, filed in open court. hm	
8-16	128.	Deft's proposed jury instructions, filed in open court. hm	

7-28 Reminder to Intel's
Office of 8-25-78 of 7-7.

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
CHESTER A. POTTS, JR.		JOS. SCHLITZ BREWING CO.	PAGE <u>11</u> OF <u>6</u> PAGES

DATE	NR.	PROCEEDINGS
8-16-78	129	Deft's suggested voir dire for prospective jurors, fld.ra
8-17		USM ret. on service of dep. subpoena, filed: served Jack D. Livingston 8-14-78. (USM \$3.96)g
8-17	130	Pltf's trial brief, fld. ra
8-17	----	Deposition of Jack D. Livingston, Jr., on behalf of deft., taken 8/15/78 filed.(D.R. Lindquist-CSR)(\$88.50 pd by deft)rm
8-17	131.	Pre-trial order, filed. (HDC-J)hm
8-18	--	Reporter's transcr. of proceedings of 8-16-78 (PT Hrg),fld.(TGB-CR) (21 pages)ra
8-21	MO:	Case called for jury trial. Pltf. counsel present; deft. counsel not present. Pltf. counsel announces settlement. Deft. counsel to prepare order & submit to Court, w/waiver of appeal, within 2 weeks. (HDC-J)hm
8-21	--	Depo. of Donald A. McIver taken on behalf of deft. before Donald R. Lindquist, CSR, on 11-17-77, fld. (\$61.50 pd by deft.)ra
8-23		Four returns on civil subpoenas, filed. Served Calvin East on 8-17 in Lawton, Ok.; served George Lipotish on 8-17 in Muskogee, Ok.; served Danny Cresap by serving Carl Milligan, office mgr., on 8-16 in Bartlesville; served James D. Rutte, III by serving wife, Doyce Rutter on 8-16 in Miami, Ok. (Fees: \$59.36)hm
9-6	132	Stipulation of dismissal,fld.ra
9-6	133	Order,fld and entered, dismissing case with prejudice.(HDC-J)ra c/m
10-10	--	Depo. of Kenneth G. Elzinga, fld.ra
1980 7-28	--	DEPOSITIONS returned to parties. hm

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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PAGE ____ OF ____ PAGES

PROCEEDINGS